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EL SALVADOR

El Salvador has long been dominated by powerful elites who ruled through the security forces. The elites' power rested in large landholdings and in the control of banking and the export of staple crops for their benefit. Faced with increasing demands for social change in the 1970s, traditional ruling groups continued their dominance by employing electoral fraud and repression. In the 1970's some political forces which were previously moderate, joined the radical left. The late 70's witnessed the emergence of an armed radical left. On October 15, 1979, a group of progressive military officers overthrew the regime of General Humberto Romero and created a civilian-military governing coalition called the Revolutionary Governing Junta (JRG). That Junta faced a highly polarized society in which the political process was discredited and a sizeable minority on both left and right employed violence to achieve their political ends. On the right, the Broad Nationalist Front (FAN) became the main force, and its supporters soon spawned death squads, most notably the Maximiliano Hernandez Martinez Brigade. The major leftist armed groups were wedded into first the United Revolutionary Directorate (DRU), and then the Farabundo Marti National Liberation Front (FMLN), while their political front groups together with some more democratically oriented organizations, formed the Democratic Revolutionary Front (FDR). The Marxist-oriented FMLN/DRU, however, controls the FDR.

Unable to act effectively and frustrated by their own inability to agree on promised reforms and to control the security forces, the civilian members of the first post-October 15 government resigned after ten weeks. The military members of the Junta then reached an agreement with the Christian Democratic Party to form a new government. In spite of coup attempts from the extreme right, guerrilla warfare from the radical left, and terrorism from all sides, this second Junta undertook a far-reaching socio-economic reform program in March. Those reforms nationalized large estates, the export of staple crops, and the financial institutions.

Alarmed by reforms which attack the very basis of their domination, the armed extreme right has declared its intention to bring down the Government and re-establish the old order through violence perpetrated by its supporters, some of whom are members of the security forces only nominally under the control of the Junta. The armed left has rejected the reforms and also declared its intention to bring down the revolutionary government through violence in order to establish a Marxist state in El Salvador.

The result of these contending forces has been a vicious cycle of provocation, outrage, and revenge which leaves a daily toll of murdered and often mutilated bodies on El Salvador's streets and highways. The Church has condemned the violence of left, right, and the security forces, affirming that the nation has reached the point where respect for human life no longer exists. Church institutions have been attacked and several clergy murdered, including the Archbishop of El Salvador, Oscar Romero, who many suspect to be a victim of the extreme right. An offer to mediate made by the Salvadoran Bishop's Council has been accepted by the Junta in principle, but refused by the FDR and FMLN.

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About 9000 persons have been killed in 1980. Killings and terrorist acts are the work of both leftist "Democratic Front" forces who often claims responsibility for them, and of rightist elements with whom some members of the official security organizations are associated. Sometimes the extreme right claim responsibility as was the case in the murders of the five lesders of the FDR. Both right and left wing violence is reported to have increased in the last months of the year, during which time four American Churchwomen were brutally murdered. Many persons are also murdered by non-political groups or individuals. Death squads and other rightist terrorist groups which include present or retired members of the military or police have claimed that they have murdered suspected delinquents and leftist subversives. The government has been unable to end such abuses. About 1400 enlisted men reportedly have been cashiered from the military for various abuses over the past year, but there are indications that some of these men have been recruited subsequently into rightist terrorist squads. Government forces have broken up few right-wing groups, mostly because the right does not attack the security forces. Terrorist activity and army sweeps into areas of guerrilla concentrations have produced roughly 62,000 internal refugees.

The government's efforts to control violence hav included the invocation in March of a constitutional provision suspending the rights of free entry and exit from El Salvador, the right to inviolability of communications and the right freely to express and circulate opinions. The latter restriction has been limited to prohibiting political advertising by extremist groups to perpetrate kidnapping or ransom demands. Following a politically-inspired strike which blacked out much of the country for twenty-four hours in August 1980, the government declared a state of emergency which placed the workers of four semi-public companies (the electrical, water, and telephone companies and the port authority) under military control. These provisions remain in effect.

1. Respect for the Integrity of the Person, Including Freedom from:

a. Torture

Article 165, paragraph 2 of the 1952 constitution prohibits "all kinds of torture." However, terrorists of both the right and left have used torture to gain information and to intimidate their opponents. Bodies bearing burns or numerous wounds frequently appear along the highways. Despite governmental policy against using torture, the history of the security forces suggests the involvement of some of its members in unsolved crimes of murder with torture. Some members of leftist groups who have been captured by government forces have alleged after their release that they were beaten, scarred with acid, or subjected to electric shock during interrogations.

b. Cruel, Inhuman or Degrading Treatment or Punishment

Complaints of physical punishments or brutal treatment in prisons are not commonly made against the government. Detention facilities are overcrowded and inadequate, reflecting El Salvador's low standard of living. Prisoners are allowed visits from family members and their attorneys. Delegates from the International Committee of the Red Cross (ICRC) visit detainees held in security detention

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Summary executions are common. Confrontations between the military/security forces and guerrilla bands rarely result in the taking of prisoners by either side. There are reports of military/security forces arriving in villages with lists of suspected terrorists and guerrillas and shooting those named on the spot. The radical left regularly publishes communiques claiming credit for similar executions of suspected enemies. The far left claimed that government forces were responsible for the massacres of hundreds of peasants at Rio Sumpul near the Honduran border. This allegation has been refuted by impartial observers.

Armed leftists are responsible for a large number of kidnappings for ransom and murders of government officials, diplomats, land-owners, members of a now proscribed rightist para-military group and suspected informers. The guerrilla bands' tactics of join-us-or-die have caused tens of thousands of persons to flee their homes in rural areas, as have the armed rightists' efforts to disrupt the agrarian reform program or exact vengeance on leftists. Security forces have at times supported such rightist actions. Members of the clergy, students, teachers, businessmen, and political leaders have been victims of extreme right violence.

Estimates of the number of political killings in El Salvador vary widely. In early October the Apostolic Administrator stated that 4,730 persons had died in incidents of political violence during the first nine months of 1980. This figure appeared to be accurate, but by year's end the more accepted figure was 9,000, along with claims that violence from the right and security forces was increasing in November and December.

c. Disappearances

The Apostolic Administrator also estimated that 269 persons had disappeared after last being seen in the custody of the security forces. No other figures on disappearances are available. The government has denied any connection with these disappearances.

d. Arbitrary Arrest and Imprisonment

El Salvador's judicial system does not function effectively when politically-motivated crimes are brought before it, and no serious attempts have been made to use the judiciary to control the political violence. No matter how strong the evidence against them, those of the right and left charged with crimes of violence, including leaders of terrorist groups, are regularly released by intimidated courts. The irrelevance of the judicial system has encouraged elements of the security forces to ignore it and to dispense their own brand of justice.

Under Salvadoran law, a person can be arrested and legally held without charge for up to seventy-two hours. There are now about fifty cases of persons who have been charged, but have spent months awaiting trial. Most are members of armed leftist groups arrested during raids or routine searches for arms or propaganda.

e. Denial of Fair Public Trial

The judiciary is slow and overburdened. After arraignment, long delays usually occur before trial. Trials are public

and courts are believed to operate fairly and independently in non-political cases.

F. Invasion of the Home

Forced entry is regularly practiced by terrorist groups of the right and left and by the security forces.

2. Government Policy Relating to Fulfillment of Such Vital Needs as Food, Shelter, Health Care, Employment and Education

El Salvador is a largely agricultural nation. It has a population of roughly 4.5 million living in an area 8,300 sq. miles. It faces the problems of a large semi-skilled workforce, a population density of nearly 330 persons per square kilometer of arable land, and a negative growth rate of its Gross domestic product. That negative growth rate, which may reach from six to nine percent this year, spells economic hard times for a population which had a per capita GDP of only $565 in 1979 (in 1976 dollars), and is directly attributable to the political strife which has engulfed the nation since 1978. Balance of payments problems have seriously reduced the nation's international reserves. Unemployment and under-employment affect roughly 50 percent of the workforce. As the government has continued to repay old loans and found it difficult to obtain new ones, its foreign exchange position has also deteriorated -- in spite of its low level of public external debt (only 10.9 percent of GDP) and external debt service (only 3.8 percent of exports).

Historically, wealth has been concentrated in the hands of a few. Although 57 percent of El Salvador's labor force works in agriculture, until March 1980, 20 percent of the country's farmland was concentrated in 276 farms, and only 5 percent of the arable land was in the smallest 50 percent of farms. The same families which dominated agriculture also dominated banking, agricultural processing plants, insurance companies, and export concerns. The new revolutionary government attacked its economic problems and its political problems at once with a massive reform program which has undertaken to redistribute land and has nationalized the banking industry and the exporting of staple crops.

Income distribution in El Salvador has been significantly skewed toward the rich; the wealthiest 5 percent of the population accounts for 21.4 percent of national income, while the poorest half of the population receives 17.9 percent (1976 figures). Most Salvadorans live within ten kilometers of a health clinic and are relatively unthreatened by such diseases as measles, tuberculosis, and diptheria. However, health care remains a problem. Infant mortality in rural areas exceeds one in ten. Life expectancy in rural areas at birth is 54 years compared to 59 for the country as a whole. Nearly 20 percent of medically certified deaths are due to dysentary and respiratory illnesses. Approximately 25 percent of the rural populace has access to safe water, and only 17 percent has adequate means of waste disposal. Existing Ministry of Health services generally are overcrowded and poorly administered. About 67 percent of the adult population is literate, with about the same percentage of 9-15 year-olds attending schools. Current net growth rate of the population is probably around 2.6 percent (compared with a natural growth rate of 3.3 percent) due to violent deaths and increased emigration. Patterns

of migration inside the country have been dramatically altered by the violence -- with roughly 52,000 refugees displaced from their homes. The re-distribution of land by the agrarian reform might slow the movement from country-side to city slightly.

Traditionally, El Salvador has strongly supported property rights, and the agrarian reform recognizes those rights in its proposals to repay former owners and to provide titles to the beneficiaries of redistribution. Some of the larger farms are held cooperatively. The first phase of the agrarian reform has converted almost all farms of over 500 hectares into cooperatives made up of the families which worked them. Another phase grants ownership of up to 17 acres of land to each farmer who cultivated it as a tenant farmer or sharecropper. These two phases of agrarian reform are benefiting about 225,000 rural families. Due to bureaucratic delays, and the magnitude of the task, the government has been slow to issue titles to the new owners. Lack of titles is causing problems as many families do not live on the land they farm. A third and controversial phase of the agrarian reform, dealing with the redistribution of 125 to 500 hectare farms, was to have been implemented in 1980. This phase involves the most difficult divisions of land, and is still under consideration. The reform program faces continuing problems of economic support as well as attacks from right and left. Compensation of former owners has also been slow, with the government only beginning to distribute the thirty-year bonds with which it will pay for the land.

The government entered the foreign commerce and banking sectors to lessen elitist control of the nation's credit institutions, provide sufficient local credit to fund the reforms, and to prevent massive capital flight. Although most management officials have retained their positions, the banking system is now administered by the Central Bank. Credit is rationed and concessionary credits are awarded to projects according to government objectives. Similarly, the foreign commerce sector was nationalized in order to limit imports, prevent massive manipulation of exports earnings by individuals, and control capital flows during this crucial period of reform.

The government has adopted some emergency measures to smooth the transition period and maintain employment levels. These include: public works projects, housing and construction projects, and assistance to marginal communities. Political and economic turbulence, plus an already skyrocketing government budget, has forced reductions in these program goals.

3. Respect for Civil and Political Freedoms, Including:

a. Freedom of Speech, Press, Religion and Assembly

The government invoked a constitutional provision in March which allows it to limit the free expression and circulation of opinions, but has applied the limitation specifically to prohibit ads placed by extremist groups that seek to inflame public opinion or issue terrorist demands. In practice, freedom of speech and the press are limited, not by governmental action, but by fear of retribution from rightist and leftist terrorists. The Catholic hierarchy's radio station "YSAX" has twice been destroyed by bombs. Two leftist newspapers have been bombed, and employees of each have been murdered by right wing terrorists. One was driven out of business,

but the other continues to publish in a reduced format. An editor of a rightist newspaper was badly wounded during an assassination attempt for which the left claimed credit. The activities and pronouncements of the leftist opposition groups are covered in the major newspapers as news stories.

Freedom of assembly is guaranteed by the constitution and limited only by fear of terrorism. Freedom of religion also is guaranteed and no complaints of its abridgement have been raised. Politically activist Catholic priests -- including Archbishop Oscar Romero -- and a number of protestant pastors have been assassinated by extremists. In December, four American Catholic women, three of them nuns, were murdered in El Salvador. A special Salvadoran commission is currently investigating these murders. A U.S. mission reported circumstantial evidence of possible security force involvement.

Although the government's expressed attitude toward labor unions is positive, trade unions have difficulty in operating in the midst of the violence. A number of trade union leaders were killed. Some of these were involved in leftist political activities; others were centrists or tried to remain politically neutral. Both rightists and radical leftists have been accused in these incidents. Some union leaders who have attempted to withdraw from leftist groups have been killed and others threatened, presumably by their erstwhile collaborators. A reform of the labor code which will facilitate strikes and strengthen workers' rights is under discussion. During 1980, workers concentrated more on preserving jobs in a declining economy than an expanding economic benefits. The union of workers in the state-owned electric power generation company was dissolved and its leaders arrested in August after they had blacked out most of the country for twenty-four hours in a politically motivated strike, and had staged an armed occupation of power plants.

B. Freedom of Movement Within the Country, Foreign Travel, Emigration and Repatriation

The constitutional provision which guarantees the rights freely to enter and leave El Salvador and to reside where one wishes, and prohibitions against expatriation, has been formally suspended, but with no discernible effects. In theory, freedom of movement within the country is not restricted; in practice, it is restricted by the fighting. Foreign travel and emigration are limited only by bureaucratic delays and the expense involved.

A number of opposition political leaders are currently residing outside El Salvador, but they appear to be doing so for fear of their lives, rather than the government's unwillingness to let them return. Fear of violence has also caused large numbers of Salvadorans to emigrate. There are no refugee groups from other countries currently in El Salvador. Those who have sought asylum in embassies within El Salvador-- often by force of arms-- have been allowed to depart the country freely.

c. Freedom to Participate in the Political Process

It is government policy to open the political process and to encourage the formation of political parties and groups willing to participate in it. On October 15, 1980, the government offered amnesty to its opponents and scheduled elections for a constituent assembly in 1982, and pledged to hand over power to a popularly elected government by no later than mid-1983. However, the government's

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radical right and left opponents have to date refused to consider participation in a political process -- preferring to try to overwhelm the government by force.

Women have legal equality with men, but social restraints often limit their practical possibilities. They do hold some important positions in the professions, political parties, and in the government, as well as in more traditional jobs in factories, offices, schools, and homes.

.. Government Attitude and Record Regarding International and Non-governmental Investigation of Alleged Violations of Human Rights

The issue of human rights investigations in El Salvador is complicated by the participation of the local human rights organization in political activities. The Salvadoran Human Rights Commission (CDHES) has several members who represent extreme leftist groups. Its publications call for the overthrow of the present government. The political organization (FDR) which serves as public front for the leftist guerrilla groups holds press conferences at CDHES headquarters. A member of the Commission was kidnapped and assassinated by unidentified assailants in October.

The government has invited the Inter-American Commission on Human Rights to make a second visit to El Salvador. The visit is expected some time in February or March of 1981. Many representatives of human rights groups visited El Salvador during the past year and made extensive reports.